



NYS BOARD OF REAL PROPERTY SERVICES

INSTRUCTIONS FOR APPLICATION FOR REAL PROPERTY TAX EXEMPTION FOR FIRST-TIME HOMEBUYERS OF NEWLY CONSTRUCTED HOMES (Real Property Tax Law, Section 457)

AUTHORIZATION FOR EXEMPTION:

Section 457 of the Real Property Tax Law authorizes a partial exemption from real property taxation for “newly constructed homes” purchased by “first-time homebuyers.” Counties, cities, towns and villages may hold public hearings and then adopt local laws granting the exemption. School districts, other than those in the cities of New York, Buffalo, Rochester, Syracuse and Yonkers, have the option to hold hearings and pass resolutions providing that the exemption applies to school taxes.

ELIGIBILITY FOR EXEMPTION:

For purposes of this exemption, a “first-time homebuyer” is any person who has not owned -- and whose spouse has not owned -- a primary residential property during the previous three years, and who does not own a vacation or investment home. A qualifying “newly constructed home” is a one- or two-family residence, townhouse or condominium, which was constructed after November 28, 2001, is owner-occupied, and was not previously occupied. The exemption also applies to a renovation or remodeling of an existing home purchased by a first-time homebuyer, provided the renovation or remodeling costs exceed \$3,000 and the contract for the work is contracted for within 90 days from the date of purchase.

Eligibility for the exemption also depends, in part, on the homebuyer's income and the purchase price of the home. The “household income” (defined as the total combined incomes of all of the owners and their resident spouses) may not exceed the income limits established by the State of New York Mortgage Agency (SONYMA) as of January 1, 2001 for its low interest mortgage program in its non-target, one and two person household category for the county where the property is located. The purchase price of the home is similarly limited, with two exceptions: (1) municipalities opting into the program may increase the purchase price limit by up to 25 percent, and (2) where the purchase price exceeds the applicable limit by 15 percent or less, the exemption may be granted as if the purchase price equaled the applicable limit (but otherwise no exemption may be granted). The applicable SONYMA limits are set forth at the end of these instructions.

“Income” for purposes of this exemption is defined as the “adjusted gross income” for Federal income tax purposes as reported on the applicant’s latest available Federal or State income tax return, subject to any subsequent amendments or revisions, reduced by any taxable amounts of distributions from individual retirement accounts or individual retirement annuities (“IRAs”). A copy of the income tax return(s) must be filed with the application.

SCOPE AND DURATION OF EXEMPTION

The exemption, if authorized, lasts for a maximum term of five years, beginning at fifty percent in the first year and declining to ten percent in the fifth and final year. A municipality

that opts in to the program may also opt to grant the exemption for a shorter term. Where it is adopted, the exemption applies to taxes and special ad valorem levies; the exemption does not apply to special assessments. The exemption applies only to homes purchased or contracted for before December 31, 2005.

FILING APPLICATION:

Application should be filed with the city or town assessor. Application for exemption from village taxes in villages should be filed with the assessor who prepares the assessment roll used in levying village taxes. In Nassau County, application for exemption from county, town or school district taxes should be filed with Nassau County Board of Assessors. In Tompkins County, application for exemption from county, city, town, village or school district taxes should be filed with the Tompkins County Division of Assessment.

TIME OF FILING APPLICATION:

The application must be filed in the assessor's office on or before the appropriate taxable status date. In towns preparing their assessment roll in accordance with the schedule provided by the Real Property Tax Law, the taxable status is March 1. In towns in Nassau County, the taxable status date is January 2. In towns in Erie County, the taxable status date is May 1. In towns in Westchester County, the taxable status date is June 1. In villages and cities, the taxable status dates vary, and the appropriate assessor should be consulted for the correct date.

Once the exemption has been granted, it is not necessary to reapply for the exemption after the initial year in order for the exemption to continue. There is no need to reapply in subsequent years, but, if the property ceases to be used primarily for residential purposes, or if the property is a single-family residence and any portion is leased, or if title to the property is transferred to persons other than the heirs or distributees of the owner, the exemption is terminated.

SONYMA Income and Purchase Price Limits (Effective on January 1, 2001)						
County	Income Limits: 1 and 2 Person Non-Target*	Purchase Price Limits: One Family New Non-Target*		County	Income Limits: 1 and 2 Person Non-Target*	Purchase Price Limits: One Family New Non-Target*
Albany	\$53,600	\$149,000		Niagara	\$53,600	\$124,300
Allegany	\$53,600	\$138,900		Oneida	\$53,600	\$138,900
Broome	\$53,600	\$138,900		Onondaga	\$53,600	\$122,700
Cattaraugus	\$53,600	\$138,900		Ontario	\$53,600	\$138,000
Cayuga	\$53,600	\$122,700		Orange	\$53,900	\$178,600
Chautauqua	\$53,600	\$138,900		Orleans	\$53,600	\$138,000
Chemung	\$53,600	\$138,900		Oswego	\$53,600	\$122,700
Chenango	\$53,600	\$138,900		Otsego	\$53,600	\$138,900
Clinton	\$53,600	\$138,900		Putnam	\$53,600	\$166,700
Columbia	\$53,600	\$138,900		Rensselaer	\$53,600	\$149,000
Cortland	\$53,600	\$138,900		Rockland	\$80,600	\$166,700
Delaware	\$53,600	\$138,900		Saratoga	\$53,600	\$149,000
Dutchess	\$58,500	\$158,300		Schenectady	\$53,600	\$149,000
Erie	\$53,600	\$124,300		Schoharie	\$53,600	\$149,000
Essex	\$53,600	\$138,900		Schuyler	\$53,600	\$138,900
Franklin	\$53,600	\$138,900		Seneca	\$53,600	\$138,900
Fulton	\$53,600	\$138,900		St. Lawrence	\$53,600	\$138,900
Genesee	\$53,600	\$138,000		Steuben	\$53,600	\$138,900
Greene	\$53,600	\$138,900		Suffolk	\$73,300	\$200,000
Hamilton	\$53,600	\$138,900		Sullivan	\$53,600	\$138,900
Herkimer	\$53,600	\$138,900		Tioga	\$53,600	\$138,900
Jefferson	\$53,600	\$138,900		Tompkins	\$53,600	\$138,900
Lewis	\$53,600	\$138,900		Ulster	\$53,600	\$138,900
Livingston	\$53,600	\$138,000		Warren	\$53,600	\$138,900
Madison	\$53,600	\$122,700		Washington	\$53,600	\$138,900
Monroe	\$53,600	\$138,000		Wayne	\$53,600	\$138,000
Montgomery	\$53,600	\$149,000		Westchester	\$79,900	\$166,700
Nassau	\$73,300	\$200,000		Wyoming	\$53,600	\$138,900
New York City	\$53,600	\$166,700		Yates	\$53,600	\$138,900

* Source: SONYMA Low-Interest Rate Mortgage Program



New York State Board of Real Property Services

**APPLICATION FOR REAL PROPERTY TAX EXEMPTION FOR
FIRST-TIME HOMEBUYERS OF NEWLY CONSTRUCTED HOMES**

(Real Property Tax Law, Section 457)

(Instructions for completing this form are contained in Form RP-457-Ins)

1. Name(s) and telephone no(s). of owner(s)

2. Mailing address of owner(s)

Day No. () _____

Evening No. () _____

3. Location of property (see instructions)

Street address

School District

City/Town

Village (if any)

Property identification (see tax bill or assessment roll)

Tax map no. or section/block/lot _____

4. a. Property is a (i) __ one family house (ii) __ two-family house (iii) __ townhouse or
(iv) __ condominium. (check one)

b. If property is other than a two-family house, is any portion leased? __ yes or __ no

5. __ Property is newly constructed primary residential property having a purchase price of
\$ _____ which has never been occupied (attach purchase contract and certificate
of occupancy or other proof of completion); **or**
__ Property is primary residential property which has been altered, improved or reconstructed
at a cost of \$ _____ (attach description of improvements, written dated contract, and
certificate of occupancy or other proof of completion).

6. Is the property owner occupied as the primary residence of the homebuyer? __ yes or __ no

7. a. Has the homebuyer or homebuyer's spouse owned a primary residential property within the three-year period preceding the date of purchase of the residence for which exemption is sought? ☐ yes or ☐ no
- b. Most recent previous address of homebuyer and homebuyer's spouse (if different):

8. Does the homebuyer or homebuyer's spouse own a vacation or investment home? ☐ yes or ☐ no
9. Total combined income of all owners and of any owners' spouses residing on the premises
 \$_____ (see instructions; attach copy of Federal or State income tax return)

Certification

I/We _____ hereby certify that the information on this application and any accompanying papers constitute a true statement of fact.

 Signature(s) of owner(s)

 Date

FOR ASSESSOR'S USE

Date application filed: _____

Applicable taxable status date: _____

☐ Application approved for ☐ Town/City, ☐ County, ☐ Village, ☐ School District purpose(s)

☐ Application disapproved

Assessed value of exemption granted: \$_____

First assessment roll on which exemption is to be granted: _____

Last assessment roll on which exemption is to be granted: _____

 Assessor's signature

 Date